

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JAMES T. FLEMING,

Petitioner,

v.

PAT GLEBE,

Respondent.

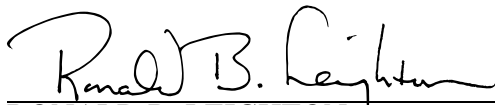
CASE NO. C10-5213RBL/JRC

ORDER ADOPTING  
REPORT AND  
RECOMMENDATION

The Court having reviewed the Report and Recommendation of the Hon. J. Richard Creatura, United States Magistrate Judge, objections to the Report and Recommendation [Dkt. #15], and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation.
- (2) The petition DISMISSED as time barred.
- (3) In accordance with Rule 11 of the Rules Governing Section 2254 Cases in the United States District Courts, a certificate of appealability is DENIED with respect to all claims asserted by petitioner in his habeas petition.
- (4) The clerk is directed to send copies of this Order to Petitioner, and the Hon. J. Richard Creatura.

DATED this 7<sup>th</sup> day of August, 2010.



RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE